



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/436,870

11/09/1999

SHIGERU YOSHINO

450100-02164

7248

20999

7590

11/18/2003

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 11/18/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/436,870**

Applicant(s)  
**Yoshino et al**

Examiner  
**Christopher O. Onuaku**

Art Unit  
**2615**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 25, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other:  |

Art Unit: 2615

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, <sup>18</sup>~~17~~&20 are rejected under 35 U.S.C. 102(e) as being anticipated by Morioka et al (US 6,324,334).

Regarding claim 1, Morioka et al discloses an apparatus for recording and reproducing data representing video, data representing sound, and other auxiliary data onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which can effectively perform an editing operation and establish a network connected with an external system, comprising:

Art Unit: 2615

a) a recording medium (see Fig.1, and data recording HDD 8) which can be accessed at random and plurality input/output processing means (see Fig.1, SCSI-I/F 7, DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5) for processing input data including video and/or audio data and outputting and recording them in the recording medium and for processing and outputting data reproduced from the reproducing medium (see col.6, line 63 to col.7, line 6);

b) interface means for receiving bit map data externally supplied from a network or memory card separate from the recording medium on which the input data is recorded (see Fig.1, SCSI-I/F 7 and DVC/PCI I/F 6; auxiliary/text data which is mixed-in with the video and sound signals to make up the hybrid data signal; col.7, lines 41 to col.8, line 44), here examiner reads bitmap as text data;

c) superimposing processing means for superimposing the bit map data received by the interface means upon the data output from the recording medium or the input data (see col.9, lines 45-50).

Regarding claim 2, Morioka discloses wherein the bit map is input to the interface means through an Ether-network (see col.18, lines 1-7).

Regarding claim 3, Morioka discloses wherein the bit map data is recorded in a detachable memory card and the bit map data recorded in the memory card is received by

Art Unit: 2615

inserting the memory card into the interface means (see cassette of the Digital Video cassette of the DVC camera 11 which is detachable memory means; col.7, lines 1-60).

Regarding claim 4, Morioka et al discloses an apparatus for recording and reproducing data representing video, data representing sound, and other auxiliary data onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which can effectively perform an editing operation and establish a network connected with an external system, comprising:

a) a recording medium (see Fig.1, and data recording HDD 8) which can be accessed at random and plurality input/output processing means (see Fig.1, SCSI-I/F 7, DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5) for processing input data including video and/or audio data and outputting and recording them in the recording medium and for processing and outputting data reproduced from the reproducing medium (see col.6, line 63 to col.7, line 6).

b) a rewritable storage means for storing a first control program which is used for processing by at least one of the plural input/output processing means (see Fig.1&4; col.7, line 61 to col.8, line 5; col.10, lines 12-57 and also col.15, lines 40-50), here HDD 8 is the rewritable storage means, and the data processed by the system is stored in the HDD 8 including the control data, or displayed on the NTSC monitor 12 or SVGA monitor 13;

c) interface means for receiving an externally supplied second control program which is used for processing by the at least one of the plural input/output processing means (see Fig.4,

Art Unit: 2615

keyboard 18, wherein the reproducing speed can be dynamically controlled (changed) in real time by utilizing the keyboard 18; col.10, lines 53-57);

d) rewriting means for rewriting the first control program stored in the storage means into the second control program received by the interface means (see Fig.4, HDD 8 and keyboard 18; col.10, lines 53-57), here when the reproduction speed is changed, the new reproduction speed (second control program) replaces the former reproduction speed (first control program).

Regarding claim 5, Morioka discloses wherein the first control program data is input to the interface means through an Ethernet-network (see col 18, lines 1-7).

Regarding claim 6, Morioka discloses wherein the second control program data is recorded in a detachable memory card separate from the recording medium on which the input data is recorded and the second control program data recorded in the memory card is received by inserting the memory card into the interface means (see the cassette of the DVC camera 11 which is detachable memory means; col.10, lines 12-57), here the fundamental system configuration in Fig.4 example is the same as that of the Fig.1 example..

Regarding claim 7, Morioka et al discloses an apparatus for recording and reproducing data representing video, data representing sound, and other auxiliary data onto/from a disk

Art Unit: 2615

medium, a tape medium, or a recording/reproducing apparatus which can effectively perform an editing operation and establish a network connected with an external system, comprising:

a) a recording medium (see Fig. 1, and data recording HDD 8) which can be accessed at random at allotted time slots and plurality input/output processing means (see Fig. 1, SCSI-I/F 7, DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5) for processing input data including video and/or audio data and outputting and recording them in the recording medium and for processing and outputting data reproduced from the reproducing medium (see col.6, line 63 to col.7, line 6);

b) interface means for receiving externally supplied setting data which is used to set at least one of the plural input/out processing means (see Fig.4; I/F 19 and DVC/PCI I/F 6; auxiliary/text data which is mixed-in with the video and sound signals to make up the hybrid data signal; col.10, lines 12-57), here the reproduction speed can be set and reset utilizing the keyboard 18, and the resetting data reads as bit map data, since when the speed is controlled, the application software is applied;

c) setting changing means for changing settings corresponding to the at least one input/output processing means based on the setting data received by the interface means (see Fig.4, keyboard 18; col.10, lines 53-57).

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 5 above.

Art Unit: 2615

Regarding claim 9, Morioka discloses wherein the setting data is recorded in a detachable memory card separate from the recording medium on which the input data is recorded and the setting data recorded in the memory card is received by inserting the memory card into the interface means (see cassette of the Digital Video cassette of the DVC camera 11 which is detachable memory means; col.7, lines 1-60).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 1 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 5 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 3 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 4 above, including processing the data which is input/out to/from the input/out processing means based on the second control program.



Art Unit: 2615

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 5 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 6 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claim 7 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 5 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 9 above.

Regarding claim 20, Morioka discloses wherein the setting data is used to set a first one of the input/output processing means to a second one of the input/out processing means, as discussed in claim 4 above

Art Unit: 2615

***Claim Rejections - 35 U.S.C. § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka et al in view of Bertram (US 6,011,546).

Regarding claim 19, Morioka fails to explicitly disclose wherein the rewritable storage means is a rewritable flash ROM. Bertram teaches a programming structure for user interfaces, and programs stored in memory devices associated with microcontrollers controlling a display to a user which are constructed in a language which uses layered statements, and a unique connecting character. Bertram further teaches that control programs will be stored in the system RAM or a flash ROM (see col.37, lines 7-22). It would have been obvious to further modify Morioka by adding a flash ROM to Morioka in order to have an alternative storage means for storing control programs, for example.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555.

Art Unit: 2615

The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

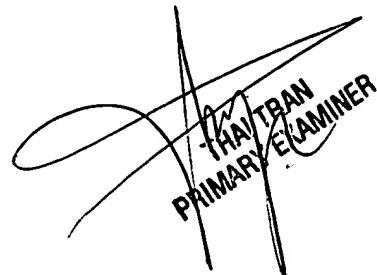
and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

  
COO

11/14/03

  
THAI TRAN  
PRIMARY EXAMINER